

TO: Zoning Board of Adjustment
FROM: Community Development Department

DATE: January 13, 2016

RE: **CASE #CU-16-001**
REQUEST: A conditional use permit to allow 'automobile sales and rental, as further limited by Section 15.15.060' in a C-2 Commercial District.

APPLICABLE CODE SECTIONS: §15.20.020 - Zoning Board of Adjustment
The Zoning Board shall have the following powers:
 b. To make final decisions on applications for conditional uses.

§15.15.030 – Conditional uses in a C-2/General Commercial District
 03. 'Automobile sales and rental, as further limited by Section 15.15.060'

LEGAL DESCRIPTION: Lots 8-17, Block 1, Twin City Place

LOCATION: ½ block south of West Broadway

APPLICANT: Western JDB Realty L.C. – Russ Larsen, Managing Member
925 W Kimberly Road
Davenport, IA 52806

OWNER: Virgil D. Anderson
1920 Dorcas Street
Omaha, NE 68108

BACKGROUND INFORMATION – The Community Development Department has received an application from Western JDB Realty, L.C., represented by Russ Larsen, Managing Member, for a conditional use permit to allow automobile sales and rental in a C-2 Commercial District. The location is currently vacant and legally described as Lots 8-17, Block 1, Twin City Place. The property is generally located ½ block south of the southeast corner of South 28th Street and West Broadway.

Hours of operation are proposed from 9:00 a.m. to 7:00 p.m. Monday through Friday; Saturday from 9:00 a.m. to 4:00 p.m.; closed on Sunday. The place of business will employ 15 staff and will offer a maximum of 75 cars for sale at any given time.

The application states that the franchise has 21 years of owning eight dealerships in Burlington, Des Moines, Davenport and Cedar Rapids, Iowa along with Columbia and Springfield, Missouri and Huntsville, Alabama. The application further states they have no attorney general issues and have no outstanding Better Business Bureau issues.

CURRENT ZONING AND LAND USE – The subject property is zoned C-2 Commercial District and is located within the Corridor Design Overlay District. Property located to the north, west and east is zoned similarly. Property located to the southwest is current zoned I-1/Light Industrial (pending rezoning to R-3/High Density Multi-Family Residential District. Property located directly to the south is zoned I-1/Light Industrial District, see Attachment A.

Surrounding land uses in the vicinity include: Taco Bell, Advance Auto Parts, a retail center including Family Dollar, a fire station and a vacant City-owned lot to the southwest (pending rezoning). Additional uses to the south are generally light industrial in nature and include storage.

The future land use plan of the Bluffs Tomorrow: 2030 Plan identifies the property as 'local commercial'. The West Broadway Corridor Plan further identifies the area as a potential multi-family site following reconstruction of First Avenue. The Corridor Plan recommends that no curb cuts be allowed on First Avenue and that instead access is granted only from the perpendicular streets.

CITY DEPARTMENTS AND UTILITIES – All City departments and local utility providers were notified of the proposed conditional use permit request. The following comments were received:

Cox Communications: No conflict.

Public Works Department:

1. The alley shall remain in a usable condition and if used for business operations shall be improved to a public street.
2. Sanitary sewer existing within the adjacent alley.
3. Storm sewer exists within this lot and shall remain.
4. Development greater than one acre requires compliance with the stormwater management codes.
5. Proposed pedestal sign shall be located on private property, outside of the public right-of-way.
6. Lighting shall be configured to be confined on site and not spill across property lines.

Community Development Department:

1. The submitted conceptual site plan (see Attachments B and C) shows the proposed building placement and parking arrangement. Community Development has the following comments as they relate to the current site plan:
 - a. For setback purposes South 28th Street is considered the front yard; 1st Avenue is considered a street side yard and requires a minimum building setback of 10 feet; the east property line is considered the rear property line and the north property line abutting the alleyway is considered an interior side yard.
 - b. All parking surfaces must be setback from property lines a minimum of 5 feet. All parking and storage areas must comply with Chapter 15.23 Off-Street Parking, Loading and Unloading of the Municipal Code. Parking surfacing is required to be concrete or asphalt.
 - c. Parking spaces are required at a rate of one space per 500 gross square foot of the building. Based on the 6,500 square foot building floor plan shown approximately 13 spaces are required.
2. The development of the site shall comply with the requirements of Chapter 15.32 Corridor Design Overlay District of the Municipal Code. More information is needed about the specific building material, see Attachment D. Additionally the South 28th Street side is considered an 'intersecting street' and requires landscaping in accordance with the standard set forth for 'Intersecting Street Landscaping Frontage Strip' including trees and shrubs.
3. A detail of the fencing identified for the 'secured inventory area' shall be submitted.
4. Signage shall be in accordance with Chapter 15.33 Signs and 15.32 Corridor Design Overlay District. Detached signage may not be placed within the public right-of-way.
5. The conceptual site plan shows a driveway location from First Avenue. First Avenue is not improved at this location and direct access shall not be allowed.

NEIGHBORHOOD RESPONSE – All property owners within 200 feet were notified of the conditional use permit request. No comments have been received as of the date of this report.

COMMENTS

§15.02.090 Conditional Uses: The development and execution of the Ordinance (Title 15) is based upon the division of the City into districts. Within each district the use of land and buildings, and the bulk and location of

buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are specific uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such uses may be either public or private, and are of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

The Zoning Board of Adjustment shall make findings of fact, based upon the evidence presented at the public hearing, with respect to each of the applicable standards in Section 15.02.090.E (Findings of Fact).

The Zoning Board of Adjustment may impose such conditions and restrictions upon the location, construction, design and use of the property benefited by a conditional use as may be necessary or appropriate to protect the public interest, adjacent property and property values. Failure to maintain such conditions or restrictions as may be imposed shall constitute grounds for revocation of the conditional use. The terms of relief granted, including any conditions or restrictions, shall be specifically set forth in the concluding statement separate from the findings of fact. No conditional use shall be approved unless the Zoning Board of Adjustment makes findings of fact based directly on the standards and conditions imposed by this section. The findings of fact are presented below *in italics*:

1. The proposed conditional use will comply with all applicable regulations of this Ordinance, including lot requirements, bulk regulations, use limitations and all other standards or conditions contained in the provisions authorizing such use. *The subject property contains approximately 1.21 acres and exceeds the minimum 25,000 square feet required to be eligible to establish a new automobile sales and rental use. Modifications and additional detail are required relative to the proposed site plan; however it appears that the land is sufficient for compliance with adopted City regulations. The development must be in accordance with all adopted City codes.*
2. Adequate utility, drainage and other necessary facilities or improvements have been or will be provided. *Public water, stormwater and sanitary sewer services are generally available to provide service at this location. Stormwater for the proposed use shall be managed in accordance with all Public Works Department requirements. No plan has been submitted at this time to address stormwater management. Any future cost to extend, modify or otherwise relocate any public utilities/facilities shall be at the cost of the owner/applicant and not the financial responsibility of the City of Council Bluffs.*
3. Adequate access roads or entrance and exit drives will be designed and built to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys. *First Avenue is not improved at this location and direct access shall not be granted.*
4. All necessary permits and licenses required for the operation of the conditional use have been obtained, or it clearly appears that such permits are obtainable for the proposed conditional use on the subject property. *The applicant shall obtain all required building, driveway, parking lot and storm water permits from the City prior to commencing any development activity on the subject property. All proposed signage shall receive a sign permit from the City prior to installation.*
5. All exterior lighting shall be shaded as necessary to direct the light away from neighboring residential properties. *The final plans shall show the location, type and height of all proposed exterior lighting. All exterior lights shall comply with Section 15.24.050, Lighting Controls, of the Council Bluffs Zoning Ordinance.*
6. The location and size of the conditional use, the nature and intensity of the activities to be conducted in connection with it, the size of the site, and the relationship of the site to adjacent roadways shall be considered to assure the use is in harmony with the appropriate and orderly development of the district and the neighborhood in which it is located. *The subject property is zoned C-2 Commercial District and exceeds the minimum the lot size required. Surrounding land uses are commercial or light industrial in nature. The site does not directly abut any residential zoning or established residential use. If developed in full compliance with adopted City*

requirements the proposed request is not anticipated to have a negative impact on existing or future land uses in the surrounding area.

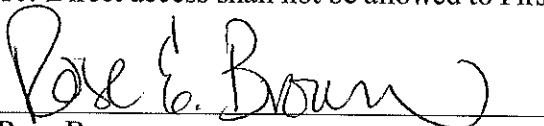
7. The location, nature and height of buildings, structures, walls and fences on the site, and the nature and extent of landscaping and screening on the site shall be designed so that the use will not reasonably hinder or discourage the appropriate development, use and enjoyment of the adjacent land, buildings and structures. *Additional information is needed regarding the building materials. Flat face concrete block is not acceptable as the primary building material. Additional landscaping screening is desirable along the south property line extending from the west building wall and extending to the east property line along the First Avenue right-of-way.*

8. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is located and will contribute to and promote the convenience and welfare of the public. *It is not anticipated that the proposed use will adversely impact the surrounding properties.*

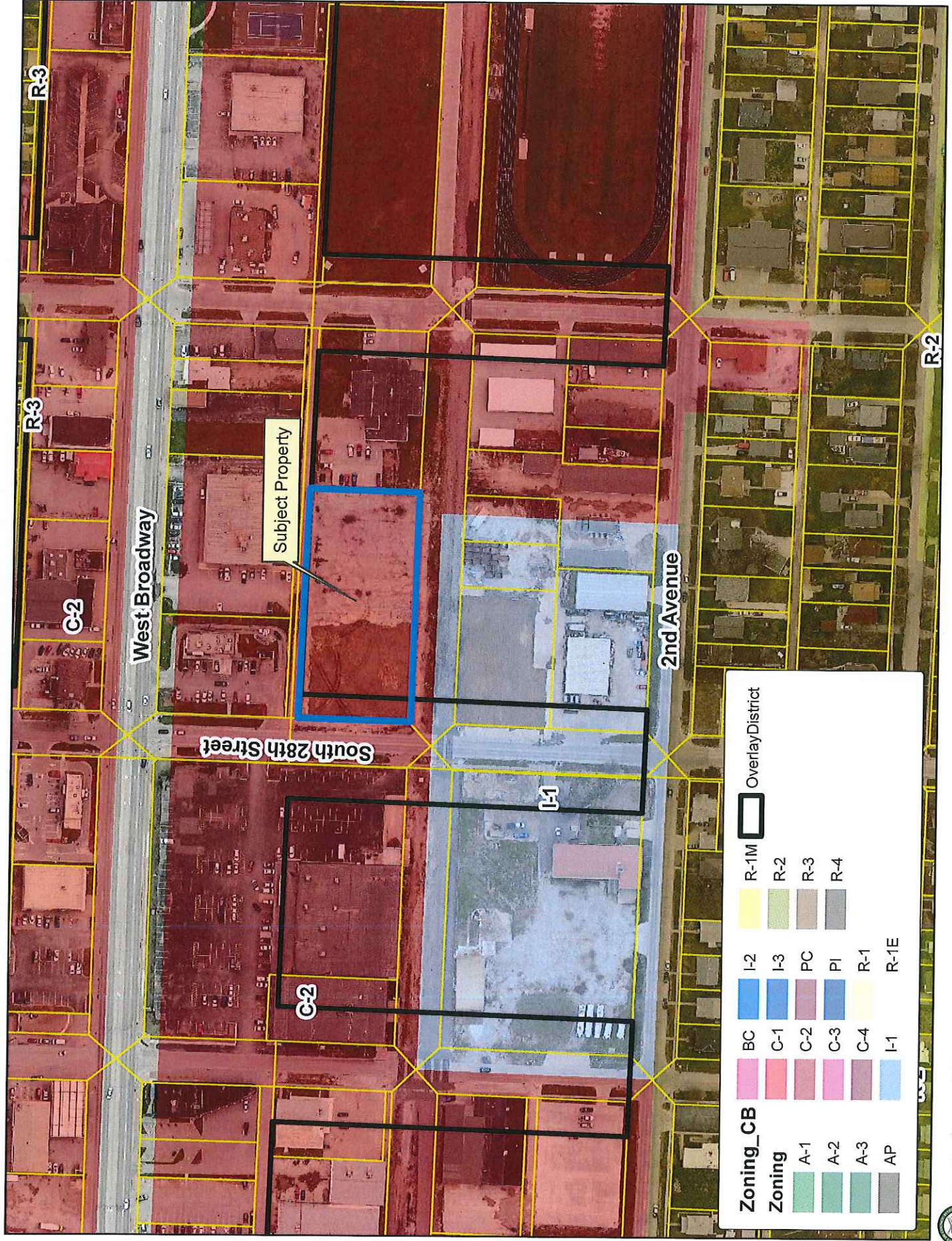
RECOMMENDATION

The Community Development Department recommends approval of the request for a conditional use permit to allow a 'automobile sales and rental' use in a C-2 Commercial District on property legally described as Lots 8-17, Block 1, Twin City Place, City of Council Bluffs, Pottawattamie County, subject to the following conditions:

1. The applicant shall secure all necessary permits and licenses for the operation of the conditional use and shall comply with all applicable Federal, State and local codes.
2. The conditional use shall comply with all site development regulations pertaining to the C-2/Commercial District.
3. The hours of operations shall be as presented in the application.
4. No exterior storage shall be permitted on the subject property.
5. All driveways, drive aisles and off-street parking areas shall be hard-surfaced and shall comply with the standards stated in Chapter 15.23, *Parking, Loading and Unloading* of the Council Bluffs Zoning Ordinance.
6. All proposed fencing shall comply with the standards stated in Section 15.24.040, *Fence regulations* of the Council Bluffs Zoning Ordinance.
7. All exterior lighting shall comply with the standards stated in Section 15.24.050, *Lighting Controls*, of the Council Bluffs Zoning Ordinance.
8. All signage shall comply with the standards in Chapter 15.33, *Signs*, of the Council Bluffs Zoning Ordinance.
9. A landscaping plan shall be submitted with the final construction plans, in accordance with Section 15.32 CDO/Corridor Design Overlay. In addition, trees and shrubs shall be planted on the private property abutting First Avenue as described earlier in this report.
10. Direct access shall not be allowed to First Avenue.

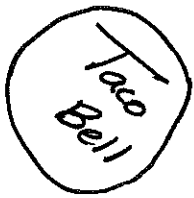


Rose Brown
Planning Coordinator



JD BYRIDER

Council Bluffs, Iowa



Dependy on
easement we
would landscape

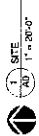
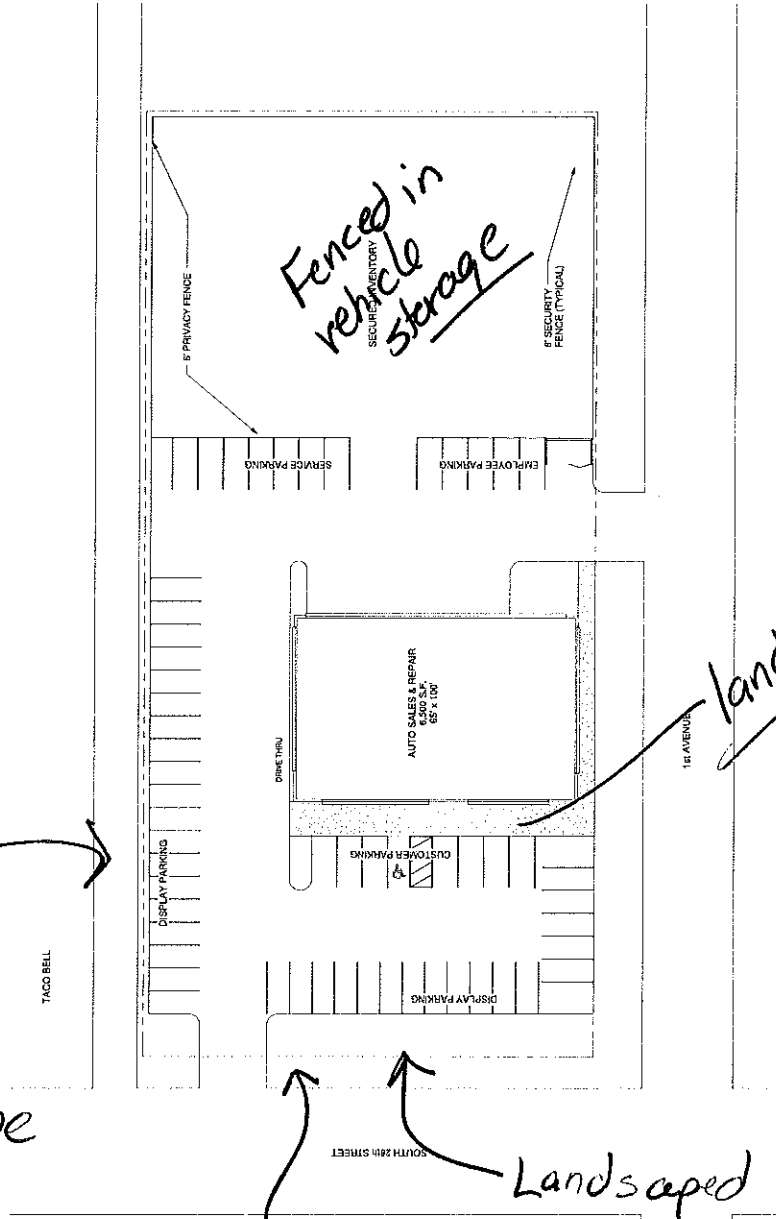
REVISIONS

Joseph Architectural Group, P.C.
1400 15th Street
Council Bluffs, Iowa 52801
Phone: 319.278.9922
Fax: 319.278.9923

Preliminary Drawings for:
JD Byrider
Council Bluffs, Iowa

COVER
SHEET/SITE
PLAN
DATE
18 Dec 2015

A0
PROJECT NO.
#06915



LED down lite lot lighting.

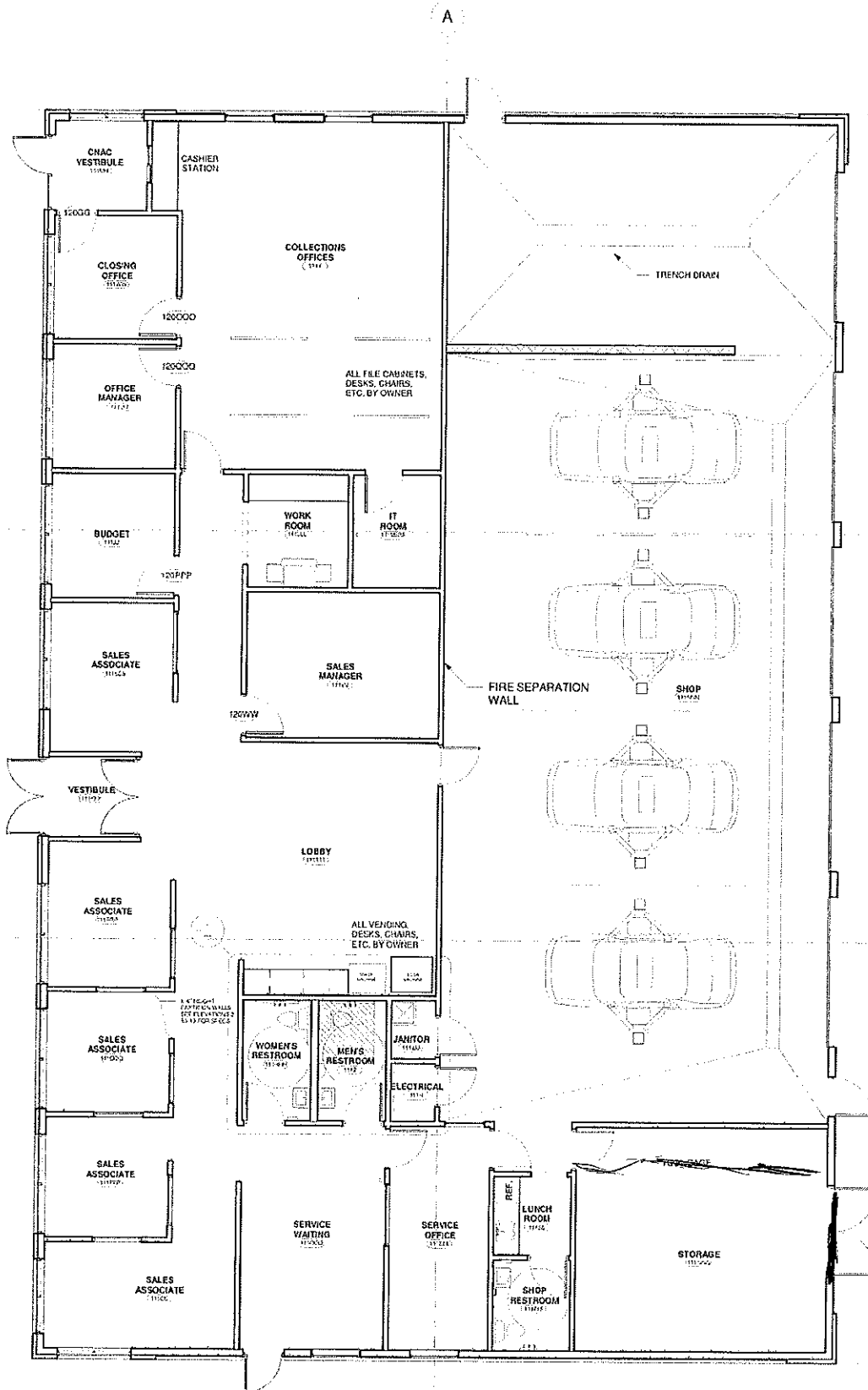
North

Please see what we did with a very
dilapidated bldg at 5500 L Street Omaha
as far as quality of bldg.

Attachment B

Done Byrider Council A1-Floor Plan 12-16-15.pdf

North



Some changes to interior offices
 Exterior PAINTED Split block
 Very nice



Attachment D